

Address:	107-109 Hampstead Road London NW1 3EE	
Application Number:	2007/1442/P	Officer: Paul Wood
Ward:	Regents Park	
Date Received:	20/03/2007	
<p>Proposal: Erection of a four-storey plus basement building comprising retail unit (Class A1) at part ground and basement levels and 8x self-contained residential flats (Class C3) at ground to fourth floors (5x 1-bed, 2x 2-bed, and 1x 3-bed units).</p>		
<p>Drawing Numbers: AO-100 (Proposed site and block plan); -100 Rev A (Proposed ground floor plan: retail unit and 1x1 bedroom flat); -200 (Proposed first floor 2x 1 bedroom flats); -300 (Proposed second and third floor: 1x 1 bedroom and 1x 2 bedroom flat); -400; -1001 (Proposed fourth floor plan: 1x 3 bedroom flat);-500; -600 Rev A; -700 Rev A; -800; -900; Pre Assessment Esitimator 2006/1.2.</p>		
RECOMMENDATION SUMMARY:		
Applicant:		Agent:
Mr Ashwin Shah 107-109 Hampstead Road LONDON NW1 2LS		SCP Architects Ltd 170 Greenford Road Sudbury Hill MIDDLESEX HA1 3QX

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>Vacant site</i>		-
Proposed	<i>C3 Dwelling House A1 Shop</i>		<i>428m² 228m²</i>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Proposed	<i>Flat/Maisonette</i>	5	2	1						

OFFICERS' REPORT

Reason for Referral to Committee: Clause 3(iii) involving the creation of five or more residential flats from the erection of a building; and, Clause 3(vi) involving the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990.

1. SITE

- 1.1 The site is located on the western side of Hampstead Road, at the junction of Netley Street. It is currently vacant and adjoined to the north by a small retail strip at ground floor level, and additional setback 2-3 levels of residential accommodation. To the south of the site (opposite side of Netley Street) is a five storey modern building with retail use at ground floor level and residential accommodation at upper floor levels. To the west, along Netley Street is a combination of 3-5 storey residential properties.
- 1.2 The site is not within a conservation area, however is within a Strategic Viewing Corridor and is also an identified site within the UDP Schedule of Land Use Proposals.

2. THE PROPOSAL

Original

- 2.1 The application originally proposed the erection of a four-storey plus basement building comprising retail unit (Class A1) at part ground and basement levels and 9x 1-bed self-contained flats (Class C3) at ground to fourth floors.

Revisions

- 2.2 A number of revisions have been made over the course of the application including the following:
- Reduction in the number of units and alterations to the mix of units to provide 8 self-contained residential units including 5x 1-bed units, 2x 2-bed units, and 1x 3-bed unit;
 - Alterations to the material finish reducing the expanse of render on the Netley Street elevation.
 - Inclusion of a strip of windows on the Netley Street elevation over each floor level.
- 2.3 The scheme now proposes the erection of a four-storey plus basement building comprising retail unit (Class A1) at part ground and basement levels and 8x self-contained residential flats (Class C3) at ground to fourth floors (5x 1-bed, 2x 2-bed, and 1x 3-bed units).

3. RELEVANT HISTORY

2005/3480/A

- 3.1 Retention of internally illuminated advertisement hoarding. The application was refused on 26/10/2005. The application was dismissed on appeal to the Secretary of State.

4. CONSULTATIONS

Statutory Consultees

- 4.1 *Transport for London* has been consulted given that the site is located on a TfL red-route. No response has been received to date. Given that the construction of the development may however affect the operation of the TfL red-route, and permission would be subject to a requirement to adhere to an agreed Construction Management Plan.

Adjoining Occupiers

- 4.2 A site notice was displayed from 23/10/2007 to 13/11/2007. The following table summarises the additional consultation letters sent to neighbouring occupiers and details of representations received, followed by a summary of the representations:

<i>Number of letters sent</i>	78
<i>Total number of responses received</i>	4
<i>Number of electronic responses</i>	2
<i>Number in support</i>	1
<i>Number of objections</i>	3

- 4.3 *Flat 12, 105 Hampstead Road - Support*
- The site is prime ground for housing.
- 4.4 *93-97 Hampstead Road - Object*
- Will increase turbulence and interrupt quality of life; and
 - There are already enough existing shops to cater for the respondents needs.
- 4.5 *37 Netley Street – Object*
- In favour of developing the site which has lain vacant for a number of years;
 - Concerned that the development will exacerbate parking problems in the area;
 - The application makes reference to ‘mirroring’ the development across the road, however consider that this building has little regard to the character of Netley Street;
 - Concerned that the no concession is being made to the street environment in terms of offsetting the impacts of the development (i.e. should provide street trees). Also concerned about the upkeep of the proposed green roof; and
 - Concerned about the alignment of the building with those in Netley Street.
- 4.6 *38 Netley Street - Object*
- The siting of the building would not align with the general character of Netley Street;

- The coming and going of new residents through the entrance on Netley Street will disturb the peace of the street, this entrance should be on Hampstead Road;
- Concerned that the development will exacerbate parking problems in the area; and
- Concerned about subsidence from the basement excavation.

5. **POLICIES**

5.1 **London Borough of Camden Replacement Unitary Development Plan 2006**

- SD1 Quality of life
- SD2 Planning obligations
- SD3 Mixed-use development
- SD4 Density of development
- SD6 Amenity for occupiers and neighbours
- SD7B Noise/vibration pollution
- SD8 Disturbance
- SD9 Resources and energy
- H1 New housing
- H2 Affordable housing
- H7 Lifetime homes and wheelchair housing
- H8 Mix of units
- B1 General design principles
- N4 Providing public open space
- N5 Biodiversity
- T1 Sustainable transport
- T3 Pedestrians and cycling
- T7 Off-street parking, city car clubs and bike schemes
- T8 Car-free housing
- T12 Works affecting highways
- R1 Location of new retail and entertainment uses
- R2 General impact of retail and entertainment uses
- LU1 Schedule of Land Use Proposals

5.2 **Supplementary Planning Guidance**

- Camden Planning Guidance

6. **ASSESSMENT**

Land use

- 6.1 The site is identified in the in the Schedule of Land Use Proposals, which identifies the preferred use as “mixed use with residential”. Policy LU1 requires developments to be in accordance with these guidelines. The proposal is for a mixed use development with a retail unit at basement and part ground floor, and residential accommodation at upper floors and to the rear ground floor area. This mix represents the preferred uses as outlined in the policies LU1 and SD3 and is therefore considered acceptable.

Principle of new housing

- 6.2 Housing is the priority land use within the UDP and policy H1 states that the Council will grant planning permission for development that increases the amount of land and floorspace in residential use, providing that the accommodation reaches acceptable standards. The proposal will result in the creation of eight additional residential units which is welcomed under this policy.
- 6.3 For new housing developments, policy H2 seeks to secure the provision of affordable housing in schemes which cross the relevant thresholds (as a result of the Further Alterations to the London Plan, which were published by the Mayor on 19 February 2008, London Plan Policy 3A.11 expects that affordable housing is provided on sites with a capacity to provide 10 or more units. This supersedes the 15-unit threshold in UDP Policy H2, although the rest of that policy remains extant). The scheme is close to the qualifying threshold with the provision of 8 units, however, the overall floorspace is not substantial enough to justify a contribution to affordable housing under the provisions of UDP and London Plan policy. The density of the development as proposed is in accordance with the provisions of policy SD4.

Principle of new retail unit

- 6.4 The site is located in a retail parade containing a strip of local shops. Policy R1 encourages the siting of new shopping services generally in Town Centres or Neighbourhood centres, however does also recognise that local shopping provision can also contribute to the function of the area, provided that the use would not result in harm to the vitality or viability of existing centres. Given that the site is currently vacant and its development would link two sections of the small shopping parade, the provision of a new retail unit is considered acceptable and not considered likely to harm any existing retail centre.

Design

- 6.5 The proposal is well considered and broadly acceptable in design terms. The bulk and height mirrors the development on the south side of Netley Street and relates acceptably to the adjacent terrace on Hampstead Road. Whilst there is a large difference in height between it and nos. 38 & 37 Netley Street to the west, it is considered that this is not harmful to the street scene in light of the lively variety of built form in this short street. The building profile consumes the whole site, and thus its footprint is forward of the building line of the adjacent residential properties on Netley Street. This is however considered acceptable for a building located on a corner and does not unreasonably alter the built form character of Netley Street.
- 6.6 The scheme has undergone a series of design revisions which include changes to the material finish on the east elevation from white render to London stock brick. This helps to reinforce the prevailing character of the street scene and produces a suitable design response. In addition, the south elevation as originally submitted contained a large blank area at its eastern extent which is inappropriate at a highly visible frontage position. This has also been revised by adding an additional narrow window at each floor level.
- 6.7 Overall the design is considered to be acceptable and provides a built form that is compatible with the surrounding context. It is however considered that details of

materials/surface finish for window joinery and shop front elements should be secured by condition.

- 6.8 The scheme also provides one level of basement accommodation with a footprint of approximately two thirds of the site. The basement would be excavated to a depth of 3.6 metres (including foundations). There would be no physical manifestations and therefore there are no design related concerns. In terms of structural and subsidence matters associated with basement development, these are covered under the Building Regulations which provides the control mechanism for preventing harm to neighbouring properties.

Standard of accommodation

Mix of units

- 6.9 Policy H8 of the UDP seeks to secure a range of unit sizes within developments, including large and small units, in order to address housing need in the Borough. In summary the scheme proposes 5x 1-bed, 2x 2-bed and 1x 3-bed units. The mix of units is considered broadly acceptable for this location. There is a predominance of 1-bed units, but given that this site has minimal outdoor private amenity space (i.e. small terraces) and is not located in the immediate vicinity of any large public open spaces, the proposed mix is considered acceptable.

Space and room sizes

- 6.10 The scheme provides 8 new units which all comply with the minimum space standards for unit sizes and bedroom sizes. In this regard the units are in accordance with residential development standards contained within the CPG.

Lifetime homes standards

- 6.11 Policy H7 requires all new dwellings, including conversions, to be built to lifetime homes standards wherever possible with 10% suitable for, or easily adaptable for wheelchair users. The majority of the units have been designed to be wheelchair accessible and largely comply with all Lifetime homes standards. The scheme is therefore considered to be acceptable.

Noise and disturbance for future occupiers

- 6.12 The site is located on a TfL red-route which is an arterial route into central London. In order to consider the acceptability of noise sensitive development (i.e. new residential accommodation) where it is adjacent to a busy road, policy SD7B and PPG 24 may require the submission of an acoustic report to ensure that noise and vibration levels are in line with minimum standards. It is noted in this instance that the residential accommodation is setback from the road and that the surrounding properties are all in residential use. Notwithstanding, an acoustic report has not been submitted with the application to demonstrate compliance with the criteria and therefore it is considered expedient to require that an acoustic report be submitted prior to commencement of development and that any remediation requirements are implemented.

Amenity

- 6.13 Policy SD6 of the Replacement Unitary Development Plan 2006 states that planning permission will not be granted for development which causes harm to the amenity of occupiers and neighbours. In assessing this it requires the Council to consider (inter alia) privacy and overlooking, sunlight and daylight levels, and the provision of adequate waste storage and disposal. The corner location of the building, where it abuts blank flank walls of neighbouring buildings ensures that there will be no loss of daylight or sunlight to neighbouring habitable rooms. There would be no material loss of privacy to adjoining residential properties particularly given that the majority of windows are fronting public highways and therefore there would be no perceivably greater level of overlooking available. There are also windows to the rear, however these windows would not result in any direct overlooking to neighbouring residential properties. The scheme also provides secured space external to the building on the Netley Street elevation for the storage of refuse and recycling. The space and access arrangements are sufficient for the retail and residential units proposed. This refuse and recycling space will be secured by condition.

Transportation issues

- 6.14 Policy T3 of the UDP requires that developments make satisfactory provision for pedestrians and cyclists. The policy requires that one cycle space is required per residential unit. Therefore, in total 8 cycle parking spaces are required. The scheme provides for internal space for cycle storage, however insufficient information has been provided with regards to the layout of this area. A condition shall secure the submission of details for the proposed cycle storage and its subsequent provision.
- 6.15 Policy T8 and T9 of the UDP seek developments to be car free and for developments to prevent increase harm to on-street parking conditions. The site is located in an area of excellent public transport accessibility (PTAL 6) and is within a controlled parking zone. As a result it is considered that the scheme should be made car free and for this to be secured by Section 106 Agreement.
- 6.16 Under policy T12 the proposal would need to be subject to a Construction Management Plan (CMP) secured by Section 106 Agreement to minimise traffic disruption and avoid dangerous situations for pedestrians and other road users, particularly given the sites location on a TfL red route.

Resources and sustainability

- 6.17 The applicants have submitted an EcoHomes assessment which indicates that the development can achieve a 'Very Good' rating. In addition to this, the assessment highlights that the development can meet the percentage targets in the Energy, Water and Materials sections, as required by the CPG. Since the time that the application was submitted, EcoHomes has been superseded by the Code for Sustainable Homes (CfSH) assessment toolkit. It is however considered that the 'Very Good' rating is commensurate with the minimum required 'code level 3' under CfSH, particularly at application stage. The sustainability credentials of building would need to be secured as part of a Section 106 Agreement, and given the change in assessment toolkits, it is considered that a CfSH design stage and post-construction review be secured in light of this change. The Section 106 Agreement will therefore require that the development achieve 'code level 3' under the CfSH.

- 6.18 The design and access statement sets out that the development would include over 10% of energy generation from renewable technology with the inclusion of photovoltaic cells, solar panels and ground source energy. Limited information is provided with regard to the actual renewable technology provision. It is however considered that details could be secured by condition through the submission and implementation of a renewable energy plan.
- 6.19 The scheme includes the provision of a green roof which would have a positive benefit on rainwater run-off reduction and would create enhanced wildlife habitats. This is welcomed. A condition will secure its implementation and an initial scheme of maintenance.

Safety

- 6.20 The development would bring back into active use a site that is currently vacant. This will enhance passive surveillance of the street and is welcomed in terms of enhancing safety.

Planning obligations

Provision of Public Open Space

- 6.21 A contribution to the provision of public open space is applicable for all development that will create an additional demand for open space. This scheme would result in the uplift of residential bed spaces and therefore a contribution would be required for this scheme. Where a site cannot provide public open space onsite, the preferred option would be the provision of a financial contribution towards open space provision off-site. The figures for open space contributions provide a formula calculation that requires 9sq. m per person at £55 per sq. m plus £5.70 per sq. m towards maintenance for a period of 5 years. In respect of this scheme, a contribution is required for the additional 12 persons. Accordingly, the required contribution sought would be £9,018, which would need to be secured under a Section 106 Agreement.

Education contributions

- 6.22 In line with Policy SD2 and guidance within the CPG a contribution towards educational infrastructure in the area is also required. This is based on the uplift of all private housing of 2 or more bedrooms. The following shows the level of contribution sought for different sized units:

2 bedroom £3,148

3 bedroom £7,572

- 6.23 Based on the current unit numbers and mix with 2 x 2-bed and 1 x 3-bed units, a contribution of £13,868 should be sought and secured under a Section 106 Agreement.

7. CONCLUSION

- 7.1 The proposed development of the site will bring back into function a vacant site and will provide a good quality mixed use scheme providing 8 well formed residential

units. The streetscene will be enhanced through the development of this vacant site. The scheme is considered to generally comply with all the relevant UDP policies, and the Camden Planning Guidance 2006.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Car-free housing;
- CMP
- Code for Sustainable Homes 'level 3' attainment;
- Contribution towards provision of educational infrastructure £13,868;
- Contribution towards provision of public open space £9,018.

8. **LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.